

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
OCT 18 2005
JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,

CRIMINAL CASE No. 3:04-CR-00011

v.

OPINION & ORDER

CHARLES A. BLY,

Defendant.

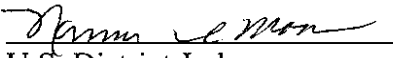
JUDGE NORMAN K. MOON

This matter is currently before the Court on Defendant's Second Amended Motion to Dismiss Count Four of the Government's indictment, received by the Court on October 14, 2005. Count Four alleges that defendant sent a threatening communication to various addressees with the intent to extort a sum of money or other thing of value from the University of Virginia (UVA).

Defendant argues that UVA is not a person under 18 U.S.C. § 876(b) because it is not a corporation, company, association, firm, partnership, society or joint stock corporation under 1 U.S.C. § 1. The Court finds the Defendant's motion to be without merit. Va. Code § 23-69 provides that the Board of Visitors of the University of Virginia "shall be and remain a corporation" and Va. Code § 23-76 vests the Board "with the care and preservation of all property belonging to the University." Therefore, Defendant's Motion is DENIED.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a copy of this Order to all counsel of record.

ENTERED: 
U.S. District Judge
October 18, 2005
Date